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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 AFFINITY CREDIT UNION et al.,

18 Plaintiffs,

19 v.

20 APPLE INC.,

21 Defendant.

CASE NO. 4:22-cv-04174-JSW

22 **STIPULATION AND ~~PROPOSED~~**
23 **ORDER TO MODIFY CASE**
24 **SCHEDULE PURSUANT TO CIVIL**
25 **LOCAL RULE 6-2**

26 Place: Courtroom 5, 2nd Floor, Oakland
27 Judge: The Honorable Jeffrey S. White
28

1 Plaintiffs Affinity Credit Union, Greenstate Credit Union, and Consumers Credit Union
2 (“Plaintiffs”) and Defendant Apple Inc. (“Apple”) (collectively, the “Parties”), hereby stipulate as
3 follows:

4 1. WHEREAS, on October 14, 2022, the Parties submitted their Initial Joint Case
5 Management Conference Statement. ECF No. 36. In that statement, Plaintiffs proposed an
6 “Exchange of Merits Expert Report(s) 60 days from ruling on Class Certification” and an
7 “Exchange of Mertis Expert Response Report(s) 90 days from ruling on Class Certification.” *Id.*
8 at 10. Apple did not propose a schedule because of its pending motion to dismiss. *Id.* (“Apple
9 believes that it is premature to set a schedule for this case.”).

10 2. WHEREAS, on November 29, 2023, the Court entered a scheduling order. ECF
11 No. 68. That order stated: “The Court declines to adopt the uncertain dates for exchange of expert
12 reports, dispositive and related *Daubert* motions, and related hearings. The parties shall submit a
13 renewed proposed scheduling order with specific dates after the Court issues its ruling on the class
14 certification motion.” *Id.* at 2. The same order set the deadline for the “Exchange of Expert
15 Report(s)” on August 21, 2025 (by 5 p.m.). *Id.*

16 3. WHEREAS, on August 2, 2024, the Parties stipulated to an extension of the case
17 schedule, including moving the August 21, 2025 deadline for the “Exchange of Expert Reports”
18 to January 23, 2026 (by 5 pm). ECF No. 79. The Court approved the stipulation on August 5,
19 2024. ECF No. 81 at 2; *see also* ECF No. 137 (same).

20 4. WHEREAS, the Court heard oral argument on Plaintiffs’ motion for class
21 certification and Apple’s *Daubert* motion on October 10, 2025. As of the date of this stipulation,
22 the Court has not issued a ruling on class certification.

23 5. NOW, THEREFORE, IT IS STIPULATED by and between the Parties through
24 their respective counsel that the case schedule be modified as follows:
25
26
27
28

Event	Deadline
Plaintiffs Exchange Opening Expert Report(s)	April 23, 2026 (by 5 pm)
Apple Exchanges Rebuttal Expert Report(s)	July 22, 2026 (by 5 pm)
Plaintiffs Exchange Reply Expert Report(s)	September 3, 2026 (by 5 pm)

6. Consistent with the Court's order of November 29, 2023 (ECF No. 68), the Parties may propose future revisions to this schedule based on the timing of the Court's decision on class certification. The Parties have previously stipulated to the following time modifications: to extend Apple's time to respond to the complaint (ECF No. 15); to set a briefing scheduling for Apple's motion to dismiss the amended complaint (ECF No. 42); to extend Apple's time to answer the amended complaint (ECF No. 65); and to amend the case schedule (ECF Nos. 79 & 136).

IT IS SO STIPULATED.

1 Dated: December 3, 2025

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9 *Attorneys for Defendant Apple Inc.*

10 Dated: December 3, 2025

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28 *Attorneys for Plaintiffs and the Proposed Class*

~~PROPOSED~~ ORDER

Having considered the Parties' Stipulation, IT IS HEREBY ORDERED THAT:

The case schedule is amended in accordance with the following dates:

Event	Deadline
Plaintiffs Exchange Opening Expert Report(s)	April 23, 2026 (by 5 pm)
Apple Exchanges Rebuttal Expert Report(s)	July 22, 2026 (by 5 pm)
Plaintiffs Exchange Reply Expert Report(s)	September 3, 2026 (by 5 pm)

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 4, 2025

By: 

THE HONORABLE JEFFREY S. WHITE

United States District Judge